

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED PUBLIC WORKERS,	)	CIVIL NO. 03-00598 DAE/LEK
AFSCME LOCAL 646, AFL-CIO,	)	
MUTUAL AID FUND TRUST,	)	
	)	
Plaintiff,	)	AFFIDAVIT OF ERIC A. SEITZ
	)	
vs.	)	
	)	
GARY W. RODRIGUES,	)	
	)	
Defendant.	)	
_____	)	

AFFIDAVIT OF ERIC A. SEITZ

STATE OF HAWAII	)	
	)	SS.
CITY AND COUNTY OF HONOLULU	)	

ERIC A. SEITZ, being first duly sworn on oath, deposes and says:

(1) I am the principal attorney for the Defendant Gary W.

Rodrigues in the above entitled matter.

(2) Attached hereto as Exhibit 1 is a true and correct copy of the Affidavit of Gary W. Rodrigues attached to Defendant Rodrigues' Motion to Dismiss, filed herein on January 16, 2004.

(3) I am informed and believe that attached hereto as Exhibit 2 is a true and correct copy of the document/instrument establishing the Mutual Aid

Trust, which was provided to me by UPW in a related case.

(4) Attached hereto as Exhibit 3 is a true and correct copy of the Deposition Transcript of Albert Hewitt taken on March 6, 2007.

(5) I am informed and believe that the Mutual Aid Trust has litigated claims in Florida for losses of funds resulting from the same investments which are the subject of this lawsuit, and that litigation has since concluded.

(6) To date, Plaintiff has refused to inform me of the damages they recovered in that litigation.

/s/ Eric A. Seitz  
ERIC A. SEITZ

Subscribed and sworn to before me  
this 28th day of March 2007

/s/ Juli T. Seitz  
Notary Public, State of Hawai'i  
My Commission Expires: Jan. 4, 2008